

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6939 of 2020

Arising Out of PS. Case No.-273 Year-2018 Thana- CHAPRA MUFFASIL District- Saran

VISHAL KUMAR SINGH Son of Shambhu Singh Resident of Village -
Dahiyawan Tola, Tari, P.S.- Chapra Muffasil, Distt - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Rajeev Kumar
For the Opposite Party/s :	Mr.Uday Pratap Singh
	Mr. Ashok Chaudhary

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 29-05-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard Shri Rajiv Kumar, learned counsel for the petitioner and Shri Uday Pratap Singh, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Chapra Muffasil P.S. Case No. 273 of 2018 for the offence punishable under Section 395 of the Indian Penal Code.

The case of the prosecution, according to the informant, is that while he was going from his house to Mahmada on 10.07.2018 at about 19:30 hours and had reached just before



the way going to the four lane road from Sherpur Dhala to Mubarakpur village, 3-3 unknown miscreants riding on two motorcycles came there and dashed their motorcycles with that of the informant resulting in the informant falling down, whereafter they snatched the mobile phone, two A.T.M cards, a driving license, a sum of Rs. 7,000/- from the informant and a sum of Rs. 2,500/- and mobile from the associate of the informant, namely, Ram Naresh Baitha whereafter they fled away. It appears that one miscreants namely Anand Shankar was arrested, who in his confessional statement has named 10 other persons.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 03.10.2019. It is further submitted that no test identification parade has been conducted so as to connect the petitioner with the alleged crime and moreover no recovery has been effected from petitioner as far as the looted articles are concerned. It is submitted that though the petitioner is accused in two other cases but he is on bail in the said two cases. Lastly, it is submitted that similarly situated co-accused persons had already been granted regular bail by coordinate Bench of this Court vide order dated



04.07.2019 passed in Criminal Misc. No. 39927 of 2019 and vide order dated 02.08.2019 passed in Criminal Misc. No. 46793 of 2019.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Considering the submissions made by the learned counsel for the petitioner as also taking into account the fact that neither any Test Identification Parade has taken place so as to connect the petitioner with the alleged crime apart from the fact that no recovery of the looted article has been effected from the petitioner and further considering the fact that similarly situated co-accused persons have already been granted bail by coordinate Benches of this Court, I deem it fit and proper to direct for release of the petitioner on regular bail upon him furnishing personal bond to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 273 of 2018.

It is further directed that once the lock-down is over and normal situation is restored, the petitioner, above named, shall furnish bail bonds of a sum of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned Chief



Judicial Magistrate, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 273 of 2018, failing which the present privilege of bail being extended to the petitioner shall stand revoked automatically.

The present petition stands allowed.

(Mohit Kumar Shah, J)

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